IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5219 OF 2005

Mr.Vinod P. Shah. ..Applicant.

V/s.

M/s.Novatech Process Equipment Pvt.Ltd. & Anr. ..Respondents.

Mr.Subodh Desai i/b Mr.Shirish Gupte , Sr.Advocate i/b. Little & Co. for applicant.

Ms.M.M.Deshmukh, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : NOVEMBER 30, 2005.

P.C. :

1. As advocate reported that settlement was not possible, matter proceeded on merits, by consent.

2. The only contention raised before this court is that the statutory notice issued to the petitioner is not valid notice. The same has been issued on instructions of one Sukumar Ghosh and not by the payee of the cheque which is the requirement in law. This submission clearly overlooks that in paragraph-1 of the complaint, it is clearly observed that Sukumar Ghosh is the director of the payee company. If the said person is director of the payee company and on whose instructions the statutory notice is sent, it

is inconceivable that such statutory notice will be invalid. The question whether Sukumar Ghosh had authority to send the notice will be relevant for the trial and cannot be ground for quashing. Hence dismissed.